

**REMARKS****I. STATUS OF THE CLAIMS**

Claims 1, 2, 6-34, 37-38, and 40-93 are pending in the application, of which claims 58-81 and 83-89 are withdrawn from consideration as being drawn to non-elected invention.

Claim 1 is the sole independent claim currently under examination.

Claims 7 and 10 stand rejected under 35 U.S.C. § 112(2).

Claims 1, 2, 6-10, 14-17, 19-25, 32-38, 40-46, 50-57, 82 and 90-93 stand rejected under 35 U.S.C. § 102.

Claims 11-13, 16, 18, 26, 27, 28, 29, 30, 31, and 47-49 stand rejected under 35 U.S.C. § 103.

Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims because the prior art of record does not teach or suggest:

Claims 35, 36 and 39 have been cancelled.

Claim 1, 7, and 10 have been amended and are neither intended to limit the claims in any aspect nor are intended for any statutory requirements. It is believed that any amendments herein do not involve the addition of any new subject matter.

**II. AMENDMENTS OF THE CLAIMS**

Applicant respectfully traverses the rejection of the claims. Nonetheless, in the interest of expediting prosecution of the application, Applicant has cancelled claim 39 and has incorporated the limitations of the dependent claim 39 into independent claim 1 as suggested by the Examiner as having allowable subject matter. Applicant is preserving all its rights to pursue the subject matter of the original claims in any future patent applications, including any divisional or continuations.

**III. CLAIMS 7 AND 10 ARE DEFINITE WITH THE MEANING OF 35 U.S.C. 112(2) IN VIEW OF THE AMENDMENTS TO THE CLAIMS AND BECAUSE THE CLAIMS APPRISE THOSE SKILLED IN THE ART OF THE SCOPE OF THE INVENTION.**

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Claims 7 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action states:

Claims 7,10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “at least substantially flat” is not defined in any way in applicant’s specification. Thus, what is meant by this phrase is unclear and the scope is thus indeterminate, rendering the claim indefinite.

(See Office Action, par. 4, page 2)

Applicants have amended claims 7 and 10 as it pertains to “at least substantially flat” according to the request of the Examiner. Support for “at least substantially flat” and for the amendments made herein can be found in the specification and drawings. For instance, the concept of “at least substantially flat” and the capability of being configured to be able to stand on a flat surface is demonstrated, discussed and illustrated throughout the application. See, for example, but not limited thereto, the following:

- A. Figure 4.
- B. Figure 5
- C. Figure 13.
- D. Specification at page 7, lines 6-7: “**FIGS. 4(A)–(B)**, are schematic illustrations of embodiments of the collection device **11** wherein the bottom of the chamber is **at least substantially flat**.” (emphasis provided).
- E. Specification at page 7, lines 28-30: “**FIG. 13(A)** is a schematic illustration of an embodiment of the collection device wherein the bottom of the chamber is **at**

**least substantially flat. FIG. 13(B)** is a plan view of the embodiment of **FIG. 13(A).**” (emphasis provided).

- F. Specification at page 20, line 30 – page 21, line 2: “Alternatively, if the device does not have a skirt/collar, the **enclosure surface/bottom** of the chamber may be contoured with a variety of shapes (as discussed throughout), such as a rim or stand or the like **for self-standing** or anchoring.” (emphasis provided).

If the scope of the claimed subject matter can be determined by one having ordinary skill in the art, a rejection under 35 U.S.C. 112, second paragraph, would not be appropriate. See MPEP 706.03(d).

Applicants respectfully request that the Examiner's rejections of claim 7 and 10 under 35 U.S.C. 112(2) be withdrawn.

#### IV. CONCLUSION

For the foregoing reasons, Applicants respectfully submit that claims 1, 2, 6-34, 37-38, and 40-93 are in condition for allowance, and a notice for allowance is solicited.

Should questions arise during examination, the Examiner is welcome to contact the Applicants' attorney at the telephone listed below.

Please charge any excess fees due and credit any overpayment to Charge Account No. 50-0423.

Respectfully submitted,



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